UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,679	03/01/2002	David J. Barry	END920010124US1	6426

23550 7590 06/13/2006	EXAMINER
HOFFMAN WARNICK & D'ALESSANDRO, LLC	STORK, KYLE R
75 STATE STREET	

ART UNIT	PAPER NUMBER
2178	

14TH FLOOR
ALBANY, NY 12207

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- Th MAILING DATE of this communication appears on the cover she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *24 April 2006*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This final office action is in response to the remarks filed 24 April 2006.

2.   Claims 1-29 are pending. Claims 1, 9, 16, 22, and 29 are independent claims.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 7-8, 22, and 28 remain rejected and claim 16 is rejected under 35

U.S.C. 103(a) as being unpatentable over Barritz (US 2001/0037258 A1—filing date

4/10/2001), further in view of Mueller et al. (USPN 6,009,398—filing date 4/18/1997),

hereinafter Mueller, further in view of Graber et al. (USPN 5,712,979—filing date

9/20/1995), hereinafter Graber, further in view of Boehne et al. (USPN 6,434,500 B1—

filing 10/18/1999) hereinafter Boehne, and further in view of Adobe GoLive 5.0 User

Guide, (published 2000) hereinafter Adobe.

Regarding independent claim 1, Barritz discloses a system for developing a

website (see Abstract, it is a website constructing tool), comprising: a content system for

providing content for web pages of the website, wherein the web pages have defined

categories into which the content is arranged (see Abstract, lines 1-10, the website is

constructed along categoric lines); a site diagram system for dynamically defining and

depicting a relationship between the web pages (see Figure 1). Barritz fails to disclose

a calendar system for defining a calendar within the website. However, Mueller

discloses in col. 10, lines 60—col. 11, line 25 a system for defining a calendar within a

website. It would have been obvious to one of ordinary skill in the art at the time of the

invention to define a calendar within the website in order to enhance its chronological

functionality. Barritz further fails to disclose a breadcrumb system for inserting

breadcrumb code into the web pages. However, Graber in the Abstract lines 1-20

discloses a method for inserting history code into web pages, which is a type of

breadcrumb code. It would have been obvious to one of ordinary skill in the art at the

time of the invention to use Graber's breadcrumb code to enhance Barritz's invention by

enhancing its web page navigation capabilities. Finally, Barritz fails to disclose a

feedback system for receiving and tracking feedback related to the website. However,

Boehne, in col. 3, lines 15-35, discloses the use of feedback systems with websites. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

use a feedback system with a website to facilitate the communication capabilities of the

computer. Barritz further fails to disclose the website being adapted to be developed by

a creator that has no knowledge of web-based programming. However, Adobe

discloses the website being adapted to be developed by a creator that has no

knowledge of web-based programming (page 1). It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to use Adobe's website

creator with Barritz combination, since it would have allowed a users with varying skill

sets to generate webpages (Adobe: page 1).

Regarding dependent claim 7, Barritz, Mueller, Graber, Boehne, and Adobe fail

to specifically disclose that the breadcrumb code allows a reader of the website to view

a list of web page links corresponding to web pages of the website visited by the reader,

and further allows the reader to select a particular link on the list to return to the

corresponding web page. However, it was notoriously well known in the art at the time

of the invention that these capabilities were inherent to most common web browsers

such as Microsoft Internet Explorer and Netscape Navigator via their history features at

the time of the invention and hence any breadcrumb code would have inherently

provided these capabilities. It would have been obvious to one of ordinary skill in the art

at the time of the invention to provide these capabilities via breadcrumb code in order to

ensure compatibility with the history features of major browers.

Regarding dependent claim 8, Barritz discloses that the site diagram system

depicts the relationship as links on the website in Figure 1.

Regarding independent claim 16, it is the method performed by a subset of the

limitations of claim 1, and is rejected under similar rationale. The applicant further

discloses authors who prepare content, editors who edit content, and administrators

who approve content. While Adobe suggest various user roles (page 1), Adobe fails to

specifically disclose authors, editors, and administrators. However, authors who

prepare or author content, editors who edit content, and administrators who approve

content are user roles and associated activities that were notoriously well known in the

art at the time of the applicant's invention. It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to have combined well

known user roles with Adobe's suggestion of user roles, since it would have allowed

specified users to perform specific tasks associated with their role.

Regarding independent claim 22, it is a program product encoded on a

recordable medium that is functionally equivalent to claim 1, and is rejected under

similar rationale.

Regarding dependent claim 28, it is a program product encoded on a recordable

medium that is functionally equivalent to claim 7, and is rejected under similar rationale.

5.   Claims 2, 12, 18, and 23 remain rejected under 35 U.S.C. 103(a) as being

unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in

view of Boehne, further in view of Adobe, further in view of Yen et al. (USPN 6,724,918

B1—filing date 5/9/2000), hereinafter Yen, further in view of Carrier, III et al. (USPN

5,960,196—filing date 12/18/1996), hereinafter Carrier, III.

Regarding dependent claim 2, Barritz discloses a category system for defining

the categories and assigning creator groups thereto (see Fig. 1) and a record system for

tracking changes to the content (see Fig. 3). Adobe discloses authors, editors, and

administrators (page 1: Here, a publisher is an author, here a web designer is an editor,

and a web programmer is an administrator). It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to have combined Barritz

method with Adobe's method, since it would have allowed a user to distribute tasks for

web publishing. However, Barritz fails to disclose that the content for the categories can

be defined only by the assigned creator groups. However, Yen discloses in col. 5, lines

35-55, how creators have exclusive rights to alter categories. It would have been obvious to one of ordinary skill in the art at the time of the invention to have creators have exclusive rights to alter categories as in Yen in Barritz in order to enforce collaborative privileges. Furthermore, Barritz fails to disclose a metric system for tracking access to the web pages. However, Carrier, III disclose a metric system for tracking access in col. 8, lines 20-35. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carrier, III with Barritz in order to accurate maintain records to identify patterns in access trends for the system), Adobe fails to specifically disclose authors, editors, and administrators. However, authors who prepare or author content, editors who edit content, and administrators who approve content are user roles and associated activities that were notoriously well known in the art at the time of the applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined well known user roles with Adobe's suggestion of user roles, since it would have allowed specified users to perform specific tasks associated with their role.

Regarding dependent claim 12, it is the system claimed as in claim 9, with the additional limitations of claim 2, and it is rejected under similar rationale.

Regarding dependent claim 18, it is a method performed by a system that combines limitations from claims 1 and 2 and is rejected under similar rationale.

Regarding dependent claim 23, it is a program product encoded on a recordable medium that is functionally equivalent to claim 2, and is rejected under similar rationale.

Regarding independent claim 29, the applicant discloses the limitations similar to those in claims 9 and 12. Claim 29 is rejected under similar rationale.

6.   Claims 3 and 24 remain rejected and claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne, further in view of Adobe, further in view of Stern (USPN 6,724,918 B1—filing date 5/9/2000).

Regarding dependent claim 3, Barritz, Mueller, Graber, Boehne, and Adobe fail to disclose a subscription system for subscribing to the website and for generating an alert to subscribers when new content is posted on the website; a currency system for generating a reminder to update the content; and an information system for generating a list of new content that is posted to the website. However, in col. 10, line 50—col. 11, line 5, Stern discloses a subscription manager for a website that manages new content with alerts. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a subscription manager for a website that manages new content with alerts in order to help regulate access to a webpage and provide feedback to the users.

Regarding dependent claim 19, it is a method performed by a system that combines limitations from claim 3 and is rejected under similar rationale.

Regarding dependent claim 24, it is a program product encoded on a recordable medium that is functionally equivalent to claim 3, and is rejected under similar rationale.

7.   Claims 4 and 25 remain rejected and claim 20 is rejected under 35 U.S.C. 103(a)

as being unpatentable over Barritz, further in view of Mueller, further in view of Graber,

further in view of Boehne, further in view of Adobe, further in view of Lemay ("Laura

Lemay's Teach Yourself Web Publishing with HTML 4 in 14 Days", 1997, Sams.net),

further in view of Towers ("Visual Quickstart Guide: Dreamweaver 2 for Windows and

Macintosh", 1999, Peachpit Press).

Regarding dependent claim 4, Barritz, Mueller, Graber, Boehne, Adobe fail to

disclose a side bar system for defining a side bar of information; a link system for

defining links within the content; and a view system for generating a list of current

content and corresponding links based on a predetermined criterion. However, Lemay

discloses a side bar system for defining a side bar of information (see page 402,

frames); a link system for defining links within the content (see page 96, link structure);

and a view system for generating a list of current content and corresponding links based

on a predetermined criterion (see page 97, creating link structure). It would have been

obvious to one of ordinary skill in the art at the time of the invention to incorporate these

innovations from Lemay in to Barritz, Mueller, Graber, and Boehne because they are

basic features of web design that can be used to enhance the interactive features of

web pages. Furthermore, Barritz, Mueller, Graber, and Boehne fail to disclose a

template system for defining a template for the web pages. However, Towers discloses

on page 318 the use of templates with Dreamweaver. It would have been obvious to

one of ordinary skill in the art at the time of the invention to use templates with Barritz,

Mueller, Graber, and Boehne because they would have provided an organized method of web page construction.

Regarding dependent claim 20, it is a method performed by a system that combines limitations from claim 4 and is rejected under similar rationale.

Regarding dependent claim 25, it is a program product encoded on a recordable medium that is functionally equivalent to claim 4, and is rejected under similar rationale.

8.   Claims 5 and 26 remain rejected and claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne, further in view of Adobe, further in view of Conant et al. (USPAP US 2002/0129056 A1—filing date 2/14/2001), hereinafter Conant, further in view of Busch et al. (USPN 6,656,050 B2—filing date 8/3/2001), hereinafter Busch, further in view of Daberko (USPN 5,787,445—filing date 3/7/1996).

Regarding dependent claim 5, Barritz, Mueller, Graber, Boehne, Adobe fail to disclose a role system for defining roles of creators of the website. However, Conant, in [0059] discloses a role system. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used a role system because it would have helped to manage the activity of the creators of the website. Barritz, Mueller, Graber, and Boehne further fail to disclose a promotion system for defining a promotion schedule for content to be posted on the web pages. However, Busch, in col. 1, lines 10-35 discloses a promotion system. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a promotion system as in Busch because it

would have introduced sweepstakes capability into the webpages. Barritz, Mueller,

Graber, and Boehne further fail to disclose a removal system for defining whether the

content is hidden, deleted, or archived. However, in col. 21, Table 2, Daberko reveals

use of hidden, deleted, and archived flags to facilitate file management. It would have

been obvious to one of ordinary skill in the art at the time of the invention to use a

removal system with hidden, deleted, and archived flags like Daberko to facilitate file

management.

Regarding dependent claim 21, it is a method performed by a system that

combines limitations from claim 5 and is rejected under similar rationale.

Regarding dependent claim 26, it is a program product encoded on a recordable

medium that is functionally equivalent to claim 5, and is rejected under similar rationale.

9.   Claims 6 and 27 remain rejected and claim 17 is rejected under 35 U.S.C. 103(a)

as being unpatentable over Barritz, further in view of Mueller, further in view of Graber,

further in view of Boehne, further in view of Adobe, further in view of Helgeson et al.

(USPN 6,643,652 B2—filing date 1/12/2001), hereinafter Helgeson.

Regarding dependent claim 6, Barritz, Mueller, Graber, Boehne, and Adobe fail

to disclose a loading system for converting the content from a non-HTML format into an

HTML format and for loading the web pages onto a web server. However, Helgeson

discloses conversion from non-HTML to HTML and a web server in col. 134, line 65—

col. 135, line 25. It would have been obvious to one of ordinary skill in the art at the

time of the invention to incorporate the non-HTML/HTML conversion and the web server

from Helgeson into Barritz, Mueller, Graber, and Boehne because it would have

facilitated incorporation of external content into an HTML webpage.

Regarding dependent claim 17, it is the method performed by a subset of the

limitations of claim 6 and is rejected under similar rationale.

Regarding dependent claim 27, it is a program product encoded on a recordable

medium that is functionally equivalent to claim 2, and is rejected under similar rationale.

10.   Claim 9 remains rejected under 35 U.S.C. 103(a) as being unpatentable over

Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne,

further in view of Adobe, further in view of Yen.

Regarding independent claim 9, all of the limitations of this claim are rejected as

in claim 1, except that wherein the content for the categories can be defined only by the

assigned creator groups. However, Yen discloses in col. 5, lines 35-55, how creators

have exclusive rights to alter categories. It would have been obvious to one of ordinary

skill in the art at the time of the invention to have creators have exclusive rights to alter

categories as in Yen in Barritz in order to enforce collaborative privileges.), Adobe fails

to specifically disclose authors, editors, and administrators. However, authors who

prepare or author content, editors who edit content, and administrators who approve

content are user roles and associated activities that were notoriously well known in the

art at the time of the applicant's invention. It would have been obvious to one of

ordinary skill in the art at the time of the applicant's invention to have combined well

known user roles with Adobe's suggestion of user roles, since it would have allowed specified users to perform specific tasks associated with their role.

11.   Claims 10-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne, further in view of Adobe, further in view of Yen, further in view of Helgeson.

Regarding dependent claim 10, Barritz, Mueller, Graber, Boehne, and Adobe, and Yen disclose the limitations similar to those in claim 9, and the same rejection is incorporated herein. Barritz fails to disclose a loading system for converting the content from a non-HTML format into an HTML format and for loading the web pages onto a web server. However, Helgeson discloses conversion from non-HTML to HTML and a web server in col. 134, line 65—col. 135, line 25. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the non-HTML/HTML conversion and the web server from Helgeson into Barritz, Mueller, Graber, and Boehne because it would have facilitated incorporation of external content into an HTML webpage.

Regarding dependent claim 11, it contains limitations of claim 10 and is rejected under similar rationale.

12.   Claim 13 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne,

further in view of Adobe, further in view of Yen, further in view of Carrier, III, further in view of Stern.

Regarding dependent claim 13, Barritz, Mueller, Graber, Boehne, Adobe, Yen, and Carrier disclose the limitations similar to those in claim 12, and the same rejection is incorporated herein. Barritz fails to disclose a subscription system for subscribing to the website and for generating an alert to subscribers when new content is posted on the website; a currency system for generating a reminder to update the content; and an information system for generating a list of new content that is posted to the website. However, in col. 10, line 50—col. 11, line 5, Stern discloses a subscription manager for a website that manages new content with alerts. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a subscription manager for a website that manages new content with alerts in order to help regulate access to a webpage and provide feedback to the users.

13.   Claim 14 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne, further in view of Adobe, further in view of Yen, further in view of Carrier, III, further in view of Stern, further in view of Lemay, further in view of Towers.

Regarding dependent claim 4, Barritz, Mueller, Graber, Boehne, Adobe, Yen, and Carrier disclose the limitations similar to those in claim 13, and the same rejection is incorporated herein. Barritz fails to disclose a side bar system for defining a side bar of information; a link system for defining links within the content; and a view system for

generating a list of current content and corresponding links based on a predetermined criterion. However, Lemay discloses a side bar system for defining a side bar of information (see page 402, frames); a link system for defining links within the content (see page 96, link structure); and a view system for generating a list of current content and corresponding links based on a predetermined criterion (see page 97, creating link structure). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these innovations from Lemay in to Barritz, Mueller, Graber, and Boehne because they are basic features of web design that can be used to enhance the interactive features of web pages. Furthermore, Barritz, Mueller, Graber, and Boehne fail to disclose a template system for defining a template for the web pages. However, Towers discloses on page 318 the use of templates with Dreamweaver. It would have been obvious to one of ordinary skill in the art at the time of the invention to use templates with Barritz, Mueller, Graber, and Boehne because they would have provided an organized method of web page construction.

14.   Claim 15 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Barritz, further in view of Mueller, further in view of Graber, further in view of Boehne, further in view of Adobe, further in view of Yen, further in view of Carrier, III, further in view of Stern, further in view of Lemay, further in view of Towers, further in view of Conant, further in view of Busch, further in view of Daberko.

Regarding dependent claim 5, Barritz, Mueller, Graber, Boehne, Adobe, Yen, Carrier, Stern, Lemay, and Towers disclose the limitations similar to those in claim 14,

and the same rejection is incorporated herein. Barritz fails to disclose a role system for

defining roles of creators of the website. However, Conant, in [0059] discloses a role

system. It would have been obvious to one of ordinary skill in the art at the time of the

invention to have used a role system because it would have helped to manage the

activity of the creators of the website. Barritz further fails to disclose a promotion

system for defining a promotion schedule for content to be posted on the web pages.

However, Busch, in col. 1, lines 10-35 discloses a promotion system. It would have

been obvious to one of ordinary skill in the art at the time of the invention to use a

promotion system as in Busch because it would have introduced sweepstakes capability

into the webpages. Barritz further fails to disclose a removal system for defining

whether the content is hidden, deleted, or archived. However, in col. 21, Table 2,

Daberko reveals use of hidden, deleted, and archived flags to facilitate file

management. It would have been obvious to one of ordinary skill in the art at the time

of the invention to use a removal system with hidden, deleted, and archived flags like

Daberko to facilitate file management.

Response to Arguments

15.   Applicant's arguments filed 24 April 2006 have been fully considered but they are

not persuasive.

        The applicant argues that Adobe requires a user to have knowledge of HTML

(page 5). The applicant's basis for this is a typo by the examiner in the previous office

action on page 16. However, Adobe specifically states, "It lets graphic designers and

publishers design and manage professional-quality Web sites containing the latest

multimedia features, without requiring any HTML programming (page 1, paragraph 1,

lines 3-4). Therefore, Adobe teaches creation of websites where the creator has no

knowledge of web-base programming as the examiner stated with respect to the claims.

The applicant further argues that the calendar system of Mueller serves primarily

as a diary for an end user while the applicant states that the claimed invention serves as

a notice to readers of a website (page 6). However, this is a recitation of the intended

use of the claimed invention must result in a structural difference between the claimed

invention and the prior art in order to patentably distinguish the claimed invention from

the prior art. If the prior art structure is capable of performing the intended use, then it

meets the claim.

16.   Further, the applicant argues that Boehne's feedback system is used for enabling

feedback to the operator to review his input commands/actions, while the applicant's

invention provides a user to direct comments, queries, opinions, or suggestions to a

creator/ group of creators of a website (page 6). However, this is a recitation of the

intended use of the claimed invention must result in a structural difference between the

claimed invention and the prior art in order to patentably distinguish the claimed

invention from the prior art. If the prior art structure is capable of performing the

intended use, then it meets the claim. Further, it is noted that the features upon which

applicant relies (i.e., feedback from a user to a creator) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Finally, the applicant argues that Graber's history code is directed toward

capturing and storing a co-marketer identification system, while the applicant's invention

builds a site diagram of all the web pages visited in an online session (page 8).

However, this is a recitation of the intended use of the claimed invention must result in a

structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is

capable of performing the intended use, then it meets the claim. Further, it is noted that

the features upon which applicant relies (i.e., building a site diagram of all the web

pages visited in an online session) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are

not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

Cir. 1993).

Conclusion

17.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-

4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyle R Stork
Patent Examiner
Art Unit 2178

krs

CESAR PAULA
PRIMARY EXAMINER